## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

## PARAGON RESTORATION CORPORATION Employer

and Case 22-RC-101576

## NEW JERSEY BUILDING CONSTRUCTION LABORERS DISTRICT COUNCIL Petitioner

## **ORDER**

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Dated, Washington, D.C., June 12, 2013

was speculative.

<sup>1</sup>In denying review, we agree with the Regional Director's conclusion that the

The Employer's Motion to Stay Election or in the Alternative to Seal the Ballots is also denied

circumstances, the Board concluded that the employer's stated intent to cease operations

indicate that the employer was considering *continuing* its operations. Under these

Employer's reliance on the uncorroborated testimony of its vice president is insufficient to establish the imminent and certain elimination of the petitioned-for unit. In doing so, we do not rely on the Regional Director's characterization of the Board's decision in *Canterbury of Puerto Rico*, 225 NLRB 309 (1976) as rejecting witness testimony as insufficiently corroborated by additional documentation of financial losses. In fact, the Board in *Canterbury* indicated that certain evidence submitted by the employer tended to